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Dated: February 27, 2009

Signature:

(Arnold H. Krumholz)

Docket No.: TEKNI 3.3-011
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert James Donohue

Application No.: 10/574,375

Group Art Unit: 4122

Filed: April 26, 2007

Examiner: M. A. Huson

For HEAT FORM COILING DEVICE

:

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the official action dated January 27, 2009, the following remarks are respectfully submitted.

RESPONSE

In the official action of January 27, 2009, the Examiner has issued a restriction and/or election requirement with respect to claims 1-14. The Examiner has contended that this application includes more than one invention; namely, two inventions as follows:

Group I, claims 1-4, drawn to a method for continuously producing preselected lengths of coiled plastic tubing; and

Group II, claims 5-14, drawn to a coiling system.

As is required, applicant hereby provisionally elects the invention of Group II, specifically comprising claims 5-14 herein.

However, applicant hereby traverses this rejection. The Examiner contends that under PCT Rule 13.2, the claims lack a common special technical feature, and in this regard the Examiner points to prior art, including Moncrieff and Evalt. What the Examiner fails to note, however, is that there is a special technical feature which is common to all of these claims and which is clearly not shown in the art. That is, all of the claims require a coiling system and a method for producing coiled plastic tubing. The apparatus claims require a tube guide having a gap through which the plastic tubing is directed, and which gap makes an oblique angle with respect to the main tube shaft in order to wind the plastic tubing onto the main shaft in a helical form. Method claim 1 similarly requires winding the plastic tubing onto the main shaft at an oblique angle relative thereto to produce a coil on the main tube shaft thereof. This special technical feature is not in any way shown or suggested by either of the references cited by the Examiner, and it is therefore respectfully requested that the Examiner reconsider the present restriction requirement under PCT Rule 13.2, and that all of the claims in this application now be examined in this single application.

In any event, this applicant has, as required, provisionally elected one of the claimed inventions therein, and it is submitted that this application is clearly in condition for initiation of prosecution on the merits, and such action is therefore respectfully solicited.

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Finally, if any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 27, 2009

Respectfully submitted,

By 

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